

RESOLUTION NO.

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JOSE ADOPTING THE GSCHWEND RESIDENCE PROJECT MITIGATED NEGATIVE DECLARATION, FOR WHICH AN INITIAL STUDY WAS PREPARED, ALL IN ACCORDANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, AS AMENDED, AND ADOPTING A RELATED MITIGATION MONITORING AND REPORTING PROGRAM**

**WHEREAS**, prior to the adoption of this Resolution, the Director of Planning, Building and Code Enforcement of the City of San José prepared an Initial Study and approved for circulation a Mitigated Negative Declaration for the Gschwend Residence Project under Planning File No. CP17-010 (the “Initial Study/Mitigated Negative Declaration”), all in accordance with the requirements of the California Environmental Quality Act of 1970, together with state and local guidelines implementing said Act, all as amended to date (collectively “CEQA”); and

**WHEREAS**, the Gschwend Residence Project (“Project”) analyzed under the Initial Study/Mitigated Negative Declaration consists of a Conditional Use Permit to allow the construction of an approximately 4,464-square-foot single-family residence, two stories and approximately 31 feet, 6 inches in height, with an approximately 1,441-square-foot attached garage and related site improvements include the installation of a water well and tank, septic system, and leach field on an approximately 16.86-gross acre project site located in the City of San José (Assessor’s Parcel Numbers 708-21-004 and 708-21-005); and

**WHEREAS**, the Initial Study/Mitigated Negative Declaration concluded that implementation of the Project could result in certain significant effects on the environment and identified mitigation measures that would reduce each of those significant effects to a less-than-significant level; and

**WHEREAS**, in connection with the approval of a project involving the preparation of an Initial Study/Mitigated Negative Declaration that identifies one or more significant environmental effects, CEQA requires the decision-making body of the lead agency to incorporate feasible mitigation measures that would reduce those significant environment effects to a less-than-significant level; and

**WHEREAS**, whenever a lead agency approves a project requiring the implementation of measures to mitigate or avoid significant effects on the environment, CEQA also requires a lead agency to adopt a Mitigation Monitoring and Reporting Program to ensure compliance with the mitigation measures during project implementation, and such a mitigation monitoring and reporting program has been prepared for the Project for consideration by the decision-maker of the City of San José as lead agency for the Project (the “Mitigation Monitoring and Reporting Program”); and

**WHEREAS**, the City of San José is the lead agency on the Project, and the Planning Commission is the decision-making body for the proposed approval to undertake the Project; and

**WHEREAS**, the Planning Commission has reviewed and considered the Initial Study/Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program for the Project and intends to take actions on the Project in compliance with CEQA and state and local guidelines implementing CEQA; and

**WHEREAS**, the Initial Study/Mitigated Negative Declaration and the related Mitigation Monitoring and Reporting Program for the Project are on file in the Office of the Director of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower, San José, California 95113, and are available for inspection by any interested person at that location, and on the Department of Planning, Building and Code Enforcement website, and are, by this reference, incorporated into this Resolution as if fully set forth herein; and

**WHEREAS**, the Project will not individually or cumulatively have an adverse effect on wildlife resources, as defined in Section 711.2 of the California Department of Fish and Game Code.

**NOW, THEREFORE**, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF SAN JOSE:

**THAT THE PLANNING COMMISSION** does hereby make the following findings: (1) it has independently reviewed and analyzed the Initial Study/Mitigated Negative Declaration and other information in the record and has considered the information contained therein, prior to acting upon or approving the Project, (2) the Initial Study/Mitigated Negative Declaration prepared for the Project has been completed in compliance with CEQA and is consistent with state and local guidelines implementing CEQA, and (3) the Initial Study/Mitigated Negative Declaration represents the independent judgment and analysis of the City of San José as lead agency for the Project. The Planning Commission designates the Director of Planning, Building and Code Enforcement at the Director's Office at 200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower, San José, California 95113, as the custodian of documents and records of proceedings on which this decision is based.

**THAT THE PLANNING COMMISSION** does hereby find that based upon the entire record of proceedings before it and all information received that there is no substantial evidence that the Project will have a significant effect on the environment and does hereby adopt the Mitigated Negative Declaration and related Mitigation Monitoring and Reporting Program prepared for the Project (Planning File No. CP17-010). The Mitigation Monitoring and Reporting Program for the Project is attached hereto as Exhibit "A" and fully incorporated herein. The Initial Study/Mitigated Negative Declaration and Mitigation Monitoring and Reporting Program are: (1) on file in the Office of the Director of Planning, Building and Code Enforcement, located at 200 East Santa Clara Street, 3<sup>rd</sup> Floor Tower, San José, California 95113-1905 and on the Department of Planning, Building and Code Enforcement website, and (2) available for inspection by any interested person.

ADOPTED this 8<sup>th</sup> day of **June, 2022**, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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ROLANDO BONILLA  
Chairperson

ATTEST:

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ROBERT MANFORD for  
CHRISTOPHER BURTON  
Director of Planning, Building & Code Enforcement  
Planning Commission Secretary